

Digest of Ethics Advisory Panel
Opinion #91-55, Request #173
Issued August 16, 1991

An attorney seeks Panel opinion as to whether it is permissible for the attorney to continue in the representation of a client under circumstances in which the client is subpoenaed to testify and produce documents concerning the client's interest in the guardianship estate of a person for whose guardian the attorney represented in securing appointment by the probate court.

The governing provision of the Rhode Island Rule of Professional Conduct is 1.9.

The question is whether the interests of the guardian estate of A and the interests of B, the present client, are "materially adverse." If they are, the attorney cannot represent B in his matter. The inquiring attorney has not provided the Panel with enough facts to attempt to resolve this issue.